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EXAMINER

GROSSO, HARRY A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte UDO SCHUTZ

Appeal 2008-3538
Application 10/664,181
Technology Center 3700

Oral Hearing Held: January 15, 2009

Before DEMETRA J. MILLS, RICHARD M. LEBOVITZ, and
FRANCISCO C. PRATS, *Administrative Patent Judges*.

ON BEHALF OF THE APPELLANT:

FRIEDRICH KUEFFNER, ESQUIRE
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The above-entitled matter came on for hearing on Thursday,
January 15, 2009, commencing at 2:10 p.m., at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia, before
Patricia A. Edwards, RPR, Notary Public.

1 P R O C E E D I N G S

2 JUDGE MILLS: Would you mind saying and spelling your name for
3the court reporter.

4 MR. KUEFFNER: First name F-R-I-E-D-R-I-C-H, last name K-U-E-
5F-F-N-E-R.

6 JUDGE MILLS: Okay. You have 20 minutes, and you can begin
7when you're ready.

8 MR. KUEFFNER: The invention in this case relates to the container
9which principle components are an inner casing and -- an inner container
10and an outer casing. And there's a few other features which are not really of
11significance.

12 The really significant feature is the arrangement of electrically
13conducting strips which are integrated in the walls of the inner container.
14The strips are defined as having the same thickness as the wall thicknesses
15of the inner container.

16 And we're also in the claim that service to conduct the electricity that
17would be contained in the liquid as a result of the friction of the liquid to
18conduct electricity outside to reduce the danger of electrocution.

19 The advantage as mentioned in the application of these strips is that
20you do not need to make a hole in the container of electrically conducting
21material, but it is sufficient to place these strips where they are best located
22with respect to the conduction of electricity.

23 This is important because these containers are manufactured in huge
24numbers, so saving some material is really very significant.

25 JUDGE MILLS: Could you move directly to comparing the inner
26lining of the -- it looks like the '620 German reference.

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1 MR. KUEFFNER: The German '620?

2 JUDGE MILLS: Yes. I think that's where we find the issue to be
3with the wall thickness of the --

4 MR. KUEFFNER: The main sticking point.

5 JUDGE MILLS: Yes.

6 MR. KUEFFNER: Now, you're just saying in the lining?

7 JUDGE MILLS: Should we read that to be a full wall, or how does
8your invention -- your claim distinguish from that?

9 MR. KUEFFNER: Well, the reference here only has this fleece inside
10the wall, whereas in our case these strips are located so as to be in direct
11contact with the contents of the container and on the other side, on the
12outside that's being exposed so that the electricity can be directly discharged.

13 I don't think you can call where it's shown in the reference as a lining
14or a wall that has strips of the type that I've just described.

15 JUDGE MILLS: Does the claim require that the inner wall be in
16contact with the contents of the container?

17 JUDGE LEBOVITZ: Where are you reading from?

18 JUDGE MILLS: I'm not sure that limitation is in the claims, so I'm
19not reading from --

20 JUDGE LEBOVITZ: Okay. You're reading from the claims?

21 JUDGE MILLS: Yes. The argument was that the lining in the
22German reference isn't in contact with the contents of the container, and I'm
23not sure the claims require that.

24 MR. KUEFFNER: The feature which is recited as, "Wherein the
25electrically conducting sections form electrical connections between an inner
26surface and an outer surface of the inner container." And I believe that this

1states clearly that the strips form part of the inner surface and the outer
2surface of the inner container.

3 JUDGE MILLS: And the lining -- the fleece lining, as you've
4indicated, in the German reference is not in contact with the inner surface?

5 MR. KUEFFNER: It's embedded in the wall.

6 JUDGE MILLS: Okay.

7 MR. KUEFFNER: At a certain distance from the inner surface.

8 JUDGE LEBOVITZ: Can I ask a question about -- it says, Wherein
9the -- reading from the claim -- "Wherein the inner container is produced by
10extrusion blown molding and has a single-layer or multi-layer body, and
11then it has an integral section, electrically conducting section."

12 How do you do that? How do you blow mold it and then give it an
13electrically conducting section? Do you blow mold it and then you insert in
14the mold the -- or have the electrical strips in the mold when you do the
15blow molding?

16 I'm just trying to figure out how this -- because that helps understand
17whether it distinguishes from the prior art structure.

18 MR. KUEFFNER: I believe that in the tool where the container is
19molded, it is possible to put in the lining and then mold the wall surface, the
20wall of the container around it.

21 JUDGE LEBOVITZ: Okay.

22 MR. KUEFFNER: I believe that's the way it is carried out. The strips
23are not shown here in this reference. The purpose of the arrangement as it is
24shown in this German reference is to be able to connect the fleece of the
25cylindrical portion with the one with the head or end portion. That's why we
26believe that the rejection of the Examiner should be reversed.

1 JUDGE MILLS: Did you have any additional comments about the
2Luck reference, or your arguments would go to the primary combination of
3references?

4 MR. KUEFFNER: To the two references. The primary reference
5shows that the container with another sheeting of some kind with electrically
6conducting material. But that's known in this art to do that.

7 JUDGE MILLS: So if you were to have fibers within the inner wall
8thickness, that's not the same as having a strip within the full thickness of the
9wall?

10 MR. KUEFFNER: That would not equivalent to the strips that we are
11reciting in the claim.

12 JUDGE MILLS: Okay. I don't believe I have any other questions.

13 MR. KUEFFNER: Thank you for your time.

14 JUDGE LEBOVITZ: Thank you.

15 (Whereupon, the proceedings at 2:21 p.m. were concluded.)
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